

REMARKS

Claims 13-20 and 27-45 will be pending upon entry of the present amendment. New claims 42-45 are herewith submitted.

Applicant thanks the Examiner for submitting to an interview with the undersigned representative on June 16, 2004, in which the Examiner clarified his position with respect to some of the rejections of the present case, and in particular, with respect to the term “surrounding, as used in the claims.” In explaining the Examiner’s rejection of claim 13 over Chao, for example, the Examiner made reference to the applicant’s recent amendment dated October 29, 2003 (hereafter “recent amendment”), page 6, in which the applicant argues the appropriateness of the rejection. Based on the recent phone conference, the applicant’s understanding of the Examiner’s position is as follows: In the paragraph on page 6 referring to Figure 3, the applicant has defined terms such as “completely surrounded,” “cavity,” “delimiting cavity,” and “enclosed space,” as referring to a region that is completely enclosed by the spacing region. Applicant further defines the term “surrounding” as referring to a spacing region that at least partially surrounds a region.

The Examiner acknowledges that, based upon Chao’s figures and disclosure, Chao’s spacer pedestals 40 (see column 4, lines 32 and 33) cannot be interpreted as being anything other than simple spacers of an undefined shape, and that no single one of them could be thought of as defining a region outside of its own dimensions. Nevertheless, the Examiner has stated that, inasmuch as a term must be given its broadest possible interpretation, one of Chao’s spacer pedestals could be considered to at least partially surround an adjacent region. In response to a clarifying question, the Examiner agreed that, under this interpretation, one individual, standing beside a second individual, could be said to be at least partially surrounding the second individual. While the applicant disagrees with such a broad interpretation, it is helpful to have an understanding of the Examiner’s position.

The applicant further understands the Examiner to have acknowledged, following a discussion of the definitions of the above-referenced terms, that the language of claims 18, 27, and 41 is sufficient to define over Chao, as discussed further below.

If the applicant has misunderstood or overstated the Examiner's position, the applicant respectfully requests that the Examiner provide further clarification.

As outlined in the recent Office Action, the Examiner has rejected claims 13-18 and 27-30 under 35 U.S.C. § 102(b) as being anticipated by Chao et al. (5,633,535, hereafter "Chao"). The Examiner has also rejected claims 19, 20, and 31 under 35 U.S.C. § 103 over Chao in view of Yew et al. (U.S. 6,137,164, hereafter "Yew"). Claims 32-38 have been rejected under 35 U.S.C. § 103 over Chao and Yew in view of Duboz et al. (U.S. 5,726,500, hereafter "Duboz").

With respect to the rejection of claim 13, and in view of the Examiner's position outlined above, applicant respectfully traverses the Examiner's interpretation of the term "surrounding." One having ordinary skill in the art would not consider that merely placing one feature near a second feature is sufficient to surround, or even at least partially surround, the second feature. Such an individual would consider that, in order to at least partially surround the second feature, the first feature would need to have a shape or dimension at least partially defining a surrounded region within which the second feature is located. In contrast (Chao does not explicitly define an active region, as recited in claim 13, but one might assume that such an area would include at least the solder bumps 43 shown between two of the spacer pedestals 40, in Figure 6), the area of Chao suggested as being analogous to the active area of claim 13 is actually significantly larger than the dimensions of any one of the spacer pedestals. It might be closer, though still inaccurate, to say that the spacer pedestal is surrounded by the area, rather than vice-versa.

With respect to the Examiner's intent to use the broadest interpretation of the term, as defined by the applicant, applicant calls the Examiner's attention to page 7 of the recent amendment, where, at the end of the paragraph referring to Figure 6, the applicant states "Chao shows no single pedestal surrounding, even partially, any feature." If the applicant's definition is to be adhered to, this line must also be considered part of that definition. Thus, Chao fails to teach a pedestal surrounding, as the term is defined and used by the applicant, an active region as recited in claim 13. Accordingly, claim 13, together with dependent claims 14-20, and 34-41, is allowable.

Claim 18 recites, “wherein said spacing region forms a delimiting cavity surrounding said electrically conductive region.” Inasmuch as the term “delimiting cavity” is among the terms indicated by the Examiner in the above-referenced phone conference as defining over Chao, applicant understands claim 18 to be allowable.

Claims 27 recites, “the spacer defining an enclosed space between the first and second bodies.” The term “enclosed space” is also in the above-referenced list, and accordingly is understood by the applicant as being allowable. Accordingly, dependent claims 28-33 are also allowable over Chao.

In responding to the rejections of claims 32 and 33, the applicant noted in the recent amendment that the passages of Duboz cited by the Examiner as anticipating the limitations of claims 32 and 33 make no mention of a mirror formed on a second surface, as recited in claim 32, nor of a diffractive lens formed on the second surface, as recited in claim 33. In reiterating the rejection, the Examiner has merely restated the same passages of Duboz. Applicant again observes that these passages make no mention of the features recited in claims 32 and 33, merely referencing infrared detectors, the associated electronic circuits, and transparent conductors. It may be that the Examiner understands that an infrared detector inherently includes a mirror and a diffractive lens, and thus considers merely citing a reference including infrared detectors as being sufficient to anticipate these limitations. If this is the case, applicant respectfully requests that the Examiner provide a reference, or combination of references explicitly teaching all the limitations of claims 31 and 32. In the alternative, applicant respectfully requests allowance of claims 32 and 33.

New claims 42-45 vary in scope with reference to the use of the term “surrounding.” Applicant is of the opinion that each of these claims is supported by the specification. Claim 42 recites “a spacing region surrounding a majority of an active region.” Referring to Figure 7 of the specification, it may be seen that spacing region 39 surrounds a majority of the region 47. Claim 43 recites a spacing region surrounding more than half of an active region. This, also, is true of the spacing region 39 with respect to the region 47. Claim 44 recites a spacing region surrounding at least three sides of an active region. Referring again to Figure 7, it may be seen that region 48 is surrounded on four sides, and thus is surrounded on at

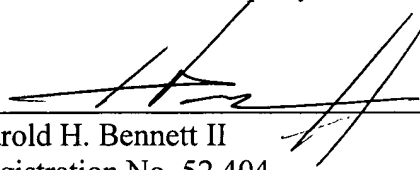
least three sides as recited in claim 44. Claim 45 recites a spacing region surrounding at least two contiguous sides of an active region. Referring again to Figure 7, it may be seen that the spacing region 39 surrounding the region 48 does include at least two contiguous sides of the region 48. Referring also to Figure 3, this condition is also apparent.

The Director is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090.

All of the claims remaining in the application are now clearly allowable. Favorable consideration and a Notice of Allowance are earnestly solicited.

Respectfully submitted,

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